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6 Attorneys for Defendant

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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \* \* \*

11 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 GERARDO ORETEGA,

16 Defendant.

2:11-cr-396-KJD-PAL

**UNOPPOSED MOTION TO CONDUCT  
A PRE-PLEA PRESENTENCING  
INVESTIGATION REPORT AND  
PROPOSED ORDER**

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18 COMES NOW, appointed counsel, Raquel Lazo, Assistant Federal Public Defender,  
19 hereby moves this Court request a Pre-Plea Pre-Sentence Investigation Report be prepared by the  
20 Probation department.

21 1. The defendant is facing a 10 year mandatory minimum in this case. It appears  
22 that he is facing time in excess of the minium.

23 2. There is currently a proposed plea offer in this case. However, it is unclear  
24 as to what defendant's criminal history category score is. The parties disagree as to this sole issue.  
25 A pre-plea presentence report will help promote continued negotiations. It will further promote  
26 judicial economy and aid in the manner in which this case is ultimately resolved.

27 3. Undersigned counsel therefore respectfully requests an order that the  
28 Department of Probation conduct a pre-plea presentence investigation report as soon as possible.

4. Undersigned counsel has spoken to the prosecutor, Assistant United States Attorney Cristina Silva regarding this request and he has no opposition

DATED this 10th day of August, 2012.

RENE L. VALLADARES  
Federal Public Defender

/s/ *Raquel Lazo*

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**RAQUEL LAZO**  
Assistant Federal Public Defender

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6 Attorneys for Aquino

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

2:11-cr-396-KJD-PAL

10 Plaintiff,

**ORDER**

11 vs.

12 GERARDO ORTEGA,

13 Defendant.

14

15 IT IS HEREBY ORDERED that the Probation Department will prepare a Pre-Plea  
16 Pre-Sentence Investigation Report on Defendant Gerardo Ortega.

17 DATED this the 10<sup>th</sup> day of August, 2012.

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DISTRICT COURT JUDGE

1                   **CERTIFICATE OF ELECTRONIC SERVICE**

2                   The undersigned hereby certifies that she is an employee of the Law Offices of the  
3                   Federal Public Defender for the District of Nevada and is a person of such age and discretion as to  
4                   be competent to serve papers.

5                   That on August 10, 2012, she served an electronic copy of the above and foregoing

6                   **UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCING**  
7                   **INVESTIGATION REPORT AND PROPOSED ORDER**

8                   by electronic service (ECF) to the person named below:

9  
10                  DANIEL BOGDEN  
11                  United States Attorney  
12                  333 Las Vegas Blvd. So., 5<sup>th</sup> Floor  
13                  Las Vegas, Nevada 89101

14                  CRISTINA SILVA  
15                  Assistant United States Attorney  
16                  333 Las Vegas Blvd. So. 5<sup>th</sup> Floor  
17                  Las Vegas, NV 89101

18                  */s/ Karen Brokaw*

19                  Employee of the Federal Public Defender